

DENNIS J. HERRERA, State Bar #139669
City Attorney
JOANNE HOEPER, State Bar #114961
Chief Trial Attorney
SEAN F. CONNOLLY, State Bar # 152235
WARREN METLITZKY, State Bar #220758
Deputy City Attorneys
Fox Plaza
1390 Market Street, 6th Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3863 [Connolly]
Telephone: (415) 554-3916 [Metlitzky]
Facsimile: (415) 554-3837
E-Mail: sean.connolly@sfgov.org
E-Mail: warren.metlitzky@sfgov.org

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO, ET AL.

MATTHEW C. MANI, State Bar #172679
1108 Fifth Avenue, Third Floor
San Rafael, CA 94901
Telephone: (415) 456-7500
Facsimile: (415) 456-0266
E-Mail: mmani@freitaslaw.com

Thomas Keating, Jr., Esq.
Christian Kemos, Esq.
Freitas, McCarthy, MacMahon & Keating
1108 Fifth Avenue, Third Floor
San Rafael, CA 94901
Telephone: (415) 456-7500
Facsimile: (415) 456-0266

Attorneys for SHAWN MYERS and SARAH MYERS

ROBERT CHEASTY, Esq., State Bar #85115
Law Offices of Cheasty & Cheasty
1604 Solano Avenue
Berkeley, CA 94707
Telephone: (510) 525-1000
Facsimile: (510) 526-3672
E-Mail: rcheasty@cheastylaw.com

Attorneys for JACKSON and MENDEZ

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMAL JACKSON; JANNIE MENDEZ,
Plaintiffs,
vs.
CITY AND COUNTY OF SAN
FRANCISCO, a municipal corporation; et al.
Defendants.

Case No. C08-1916 MEJ

**STIPULATION AND ~~PROPOSED~~
ORDER RE DEPOSITIONS AND
DEADLINE FOR FILING OF
DISPOSITIVE MOTION**

Trial Date: None Set

SHAWN MYERS and SARAH MYERS,
Plaintiffs,
vs.
CITY AND COUNTY OF SAN
FRANCISCO, a municipal corporation; et al.
Defendants.

Case No. C08-01163 MEJ

Trial Date: Not set

The undersigned parties, through counsel, STIPULATE and AGREE and jointly request modification of Magistrate Judge James' Case Management Order to allow certain discovery to proceed and to postpone the deadline for filing of dispositive motions, and oppositions thereto.

The parties make this request based on the following circumstances:

1. On March 10, 2009, the court issued its case management order in this case.
2. To date the parties have completed most, but not all of their discovery. Written discovery has been propounded and the parties have responded. Fifteen depositions of the parties and third party witnesses have been taken.
3. On October 19, 2010, the parties met and conferred regarding outstanding discovery issues. The parties reached a stipulation to complete certain depositions and for defendants to produce police personnel records to plaintiffs. Pursuant to this stipulation, the Court ordered that

1 discovery remain open until January 7, 2010 in order to complete the depositions and document
2 production.

3 4. Pursuant to the Court's October 19, 2010 Order, the parties have taken the depositions
4 of third party witnesses Joseph Carullo and Luis Castillo.

5 5. Obtaining and reviewing the documents identified in the Court's October 19, 2010
6 Order took longer than defendants' anticipated. Moreover, on December 29, 2010, plaintiffs executed
7 a stipulated protective order that was necessary in order for defendants to produce the documents
8 identified in the Court's October 19, 2011 Order. The Court signed the Protective Order on January
9 6, 2011. On January 7, 2011, defendants produced to plaintiffs those documents.

10 6. Further, the City noticed the deposition of Dr. Shapiro, one of Plaintiff Shawn Myers'
11 treating physicians. However, Dr. Shapiro was unavailable to give a deposition prior to January 7,
12 2011.

13 7. Despite the parties' efforts, they have not been able to schedule and complete the
14 depositions of expert witnesses and of the San Francisco Police Department person most
15 knowledgeable ("PMK deposition").

16 8. The present deadline to file dispositive motions is January 14, 2011, and to oppose
17 such motions, January 28, 2011.

18 9. Plaintiffs only recently received the documents from defendant that plaintiffs contends
19 are necessary to take the PMK deposition. Plaintiffs also contend that it is necessary to complete the
20 PMK deposition prior to expert depositions on police practices.

21 10. The parties agree that outstanding depositions should necessarily be completed before
22 either party can be in a position to assess, evaluate, and draft any dispositive motion or respond in an
23 opposition thereto.

24 11. No other dates will be affected by this requested change.

25 12. For the above stated reasons, the parties jointly request that the parties be allowed to
26 take the following depositions by May 6, 2011:

- Rule 30(b)(6) deposition of San Francisco Police Department on Topics #1-6 and consistent with the limitations in the Court's October 19, 2010 Order.
- Dr. Mark Shapiro
- Dr. Mark Kimmel
- Roger Clark
- Don Cameron
- Dr. Charles Syers
- Dr. Joanna Berg

The parties further request that the date for filing dispositive motion be postponed until May 19, 2011, with the hearing on May 26, 2011 at 10:00 a.m.

IT IS SO STIPULATED.

Dated: January 14, 2011

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
SEAN F. CONNOLLY
WARREN METLITZKY
Deputy City Attorneys

By: _____
WARREN METLITZKY
Deputy City Attorney

Attorneys for Defendants CITY AND COUNTY OF
SAN FRANCISCO, et al.

Dated: January 14, 2011

LAW OFFICES OF MATTHEW C. MANI

By: _____
MATTHEW C. MANI

Attorneys for Plaintiffs
SHAWN MYERS and SARAH MYERS

1 Dated: January 14, 2011

ROBERT CHEASTY, ESQ.

2 By: _____

3 ROBERT CHEASTY, ESQ.

4 Attorneys for JAMAL JACKSON and JANNIE
MENDEZ

5 Pursuant to General Order 45, §X.B., the filer of this
6 document attests that he has received the concurrence of
7 this signatory to file this document.

8 **ORDER**

9 Based on the above stipulation, and for good cause appearing, IT IS ORDERED that the
10 parties be permitted to take the following depositions by May 6, 2011:

- 11 • Rule 30(b)(6) deposition of San Francisco Police Department on Topics #1-6 and
12 consistent with the limitations in the Court's October 19, 2010 Order.
- 13 • Dr. Mark Shapiro
- 14 • Dr. Mark Kimmel
- 15 • Roger Clark
- 16 • Don Cameron
- 17 • Dr. Charles Syers
- 18 • Dr. Joanna Berg

19 IT IS FURTHER ORDERED that the date for filing dispositive motion be postponed until
20 May 19, 2011, with a hearing on May 26, 2011 at 10:00 a.m.

21
22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23
24
25 Dated: January 19, 2011

26 

27 THE HONORABLE MARIA ELENA JAMES
UNITED STATES MAGISTRATE JUDGE